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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,843	03/06/2001	Richard J. Langley	21-0005	3680

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EXAMINER

CHAWAN, SHEELA C

ART UNIT PAPER NUMBER

2625

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/800,843

Applicant(s)

LANGLEY, RICHARD J.

Examiner

Sheela C Chawan

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2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1- 3,5-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-9,11 and 12 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on July 12, 2004 has been entered and made of record.

Claims 4 and 10 have been canceled.

**Drawings**

2. Drawings filed on 10/29/03 have been approved by draftperson's.

***Response to Arguments***

3. Applicant's arguments filed on July 12, 2004 have been fully considered but they are not persuasive for claim 2.

In the remark, applicants have argued in substance that

1. Hiramatsu does not teach or suggest the processing data from at least two practically identical one-dimensional scanners to obtain biometric data that uniquely identifies at least two scanned biometric features.

In the reply, the examiner states the following.

As to point 1, with respect to the art rejection, the examiner has carefully considered applicant's argument, but firmly believes the cited reference to reasonably and properly meet the claimed limitation. The examiner does not agree with the remarks that. Hiramatsu does not teach or suggest the processing data from "at least two practically identical one-dimensional scanners to obtain biometric data that uniquely identifies at least two scanned biometric features". There is nothing in the claim that defines or refers to "at least two practically

identical one-dimensional scanners ". Claim language does not recite at least two practically identical one-dimensional scanners. However, applicant is reminded that the claim language is given its broadest reasonable interpretation.

***Reason For Allowance***

4. The following is an examiner's statement of reasons for allowance:

Claims 1, 3, 5 - 6, 7- 9, 11 and 12 are allowed.

For Independent claims 1, 3, 5, 7, 11 and 12, the prior art on record, fails to teach or fairly suggest, singly or in combination, a method for performing biometric identify verification with improved accuracy, the method comprising the steps, among other things, "using at least two biometric features using at least two one-dimensional images sensors". Therefore, it is for this reason and in combination with all other limitations in the claims, that claims 1, 3, 5, 7, 11 and 12, are allowable over the prior art of record.

***Claim Rejections - 35 USC 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu (US.5,180,901), in view of Setlak et al. (US.6,181,807 B1).

As per claim 2, Hiramatsu discloses a method for performing biometric identity verification with improved accuracy, the method comprising the steps of:

scanning at least two biometric features of a user simultaneously (column 4, lines 26- 31), using at least two practically identical biometric scanners (fig 3, item 1 and 3 are two sensors, which corresponds two identical biometric scanners, column 4, line 54 through column 5, line 20);

comparing the biometric data with reference biometric data recorded from the user during an enrollment procedure (fig 3, item 7 and 8, stores data indicating a finger characteristic of a card owner), to verify the identity of the user (fig 3, column 5, lines 1- 21).

Hiramatsu does not talk specific details of processing data from two processor operating in parallel, to obtain biometric data that uniquely identify the scanned biometric features;

wherein simultaneous use of multiple biometric scanners provides desirable improvements in accuracy and processing speed, at a lower cost than by using a single, large biometric scanner.

Setlak discloses a methods and related apparatus for fingerprint indexing and searching wherein the apparatus includes a plurality of parallel processors see fig 2, 31 a – 31n are arranged parallel (fig 2, column 6, lines 58- 67).

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wherein simultaneous use of multiple biometric scanners provides desirable improvements in accuracy and processing speed, at a lower cost than by using a single, large biometric scanner (column 6, lines 60- 67).


Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hiramatsu to include a plurality of parallel processors and to use multiple biometric scanners provides desirable improvements in accuracy and processing speed, at a lower cost than by using a single, large biometric scanner. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Hiramatsu by the teaching of Setlak in order to increased the overall efficiency and operating speed of the apparatus, (as suggested by Setlak at column 6, lines 60- 67).

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is 703-305- 4876. The examiner can normally be reached on Monday - Thursday 8 - 6.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sheela Chawan  
Patent Examiner  
Group Art Unit 2625  
Jan 10, 2005